

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 20-22, 24-26, 30-35 will have been canceled without prejudice or disclaimer, and claims 36-42 will have been newly submitted, with claims 19, 23, and 27 standing allowed. Claims 19, 23, 27 and 36-42 are pending in the present application. Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Turning to the merits of the action, the Examiner has rejected claims 20, 21, 24, 25, 30, 31, 33 and 34 under U.S.C. § 103(a) as being unpatentable over HULL et al. (U.S. Patent No.6,665,086) in view of ENDO (U.S. Patent No. 6,801,340). The Examiner has also rejected claims 22, 26, 32 and 35 under U.S.C. § 103(a) as being unpatentable over the combination of HULL et al. and ENDO in view of WOLF (U.S. Patent No.6,535,303).

As noted above, Applicant has canceled claims 20-22, 24-26, and 30-35 without prejudice or disclaimer, and has new submitted claims 36-42 for consideration by the Examiner. Applicant notes that the newly-submitted claim 40 recites a method generally related to allowed claim 19, the newly-submitted claim 41 recites a method generally related to allowed claim 23, and the newly-submitted claim 42 recites a method generally related to allowed claim 27. Applicant also notes that claims 36-39 are generally based on the rejected dependent claims 21 and 22, and note that claims 36-37 depend from allowed independent claim 23, and claims 38-39 depend from allowed independent claim

27. Thus, all newly-added claims are also allowable for at least the same reasons for the allowance of claims 19, 23 or 27. Further, entry of these newly-added claims is appropriate as they do not raise new issues that would require the Examiner to perform a further search.

Further, Applicant notes that claims 20-22, 24-26, and 30-35 have been canceled solely to advance the prosecution of the present application. However, such cancellation should not be taken as an acquiescence of the appropriateness of the rejection set forth by the Examiner. Further, Applicant reserves the right to submit claims similar to the claims canceled herein in another application. Accordingly, Applicant respectfully submits that this rejection has been rendered moot.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Applicant notes that this cancellation is being made to advance prosecution of the application to allowance. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kiyoshi TOYODA

William S. Boshnick
Reg. No. 44,550

Will Bosh

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191